

Court copy

United States District Courts
for the middle District of Penna.

Wm. Branch
Plaintiff
Vs.
Russian et. al.,
Defendants

Civil action No. 1:00-cv-00-1728
C Judge Conner

Response to Defendants BRIEF in opposition
To Plaintiff motion for Emergency injunctive Relief
and Restraining order

if it Please's the Court here comes inmate William Branch CF3756
Humbly asking this noble Tribune to Grant my motion for Emergency
injunctive Relief and a Restraining order.

Sir The attorney Generals Senior Deputy Ms Mosley esq. has chosen
to oppose my Request for a Restraining order asking this Honorable Court
to enforce a Condition that the Constitution States is a violation of my Rights

The actions on the part of Lt. Freethy, Capt. Griffin, Mr. Surace and Ms Dippel
along with Mr Friedman, if proven Violate my Const. Rights of due Process,
access to Court, and Retaliation, I amend + I amend also my Freedom of speech

which Ms Mosley esq is sworn to protect, and the D.O.C. is duty Bound
to provide.

yet I find myself at odds with those appointed to secure my Rights
quite a parody of justice!

I am today posting a new Complaint naming all defendants and charging
them with Conspiracy to Retaliate against me for accessing the courts and
writing false misconducts, Violation of due Process (not following D.O.C Policy
in preparing and serving misconducts), Violation of my Religious Beliefs,
(forcing me to cut my hair) + denying me to shower before I attend church)
Threatening me for exercising my Rights to access the courts (Lt Freethy would
Take Back a misconduct Rewrite it and enlarge the punishment) This now makes
these staff members defendants and it Create more paper work for the
courts and it cost me \$150.00 (Justice is not cheap)

(1) I have stated that these defendants conspired to Retaliate against me
for accessing the courts and for Reporting their misconducts. I Reported
go Gowan for not allowing me to shower, he in turn ordered me to get a
hair cut (a matter presently before this court) of which I enformed him
and which Mr Friedman knew about and as his superior not only allowed
but worked to secure. He spoke with pastor gagas and security and
the supt. on this matter, also stating "we can not wait while this matter
drags through the courts"

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FILED
HARRISBURG
MAY 12 2004
MARY E. HANDELA, CLERK
DEPUTY CLERK

Motion for Emergency Injunctive Relief and Restraining order
at this point I am waiting for the Exhaustion of administrative Remedies
on Grievance #

80278 Ms Dippel filing false charges Dated 3-31-04 No Response to
Date 5-5-04

74742 C/o Gowan forcing me to cut my hair Dated 2-04-04 No Response to
Date 5-5-04

74377 C/o Gowan not allowing me to Shower Dated 2-02-04 No Response to final
appeal to Thomas James at chief grievance coordinator, to date 5-05-04

and I could not file until the Grievance process was complete. I asked
the court to please note that the DOC has not answered my Grievance
and that the exhaustion be waived for administrative Remedies.

In the above I have stated a cause of action by which Relief may be
granted based upon this the likelihood of my prevailing at final hearing seem
to favor plaintiff, with the Grace of God and His Honors judgment.

(2) Irreparably Harmed Layton vs. Beyer 953 F.2d 834 (3rd Cir 1992)
at 844 citing Hewitt vs. Helms 459 U.S. 460, 103
S.Ct. 864, 74 L.Ed.2d 675 (1983) Stating: "The Pennsylvania Statutory frame
work governing the administration of ~~prisons~~ ~~prisoners~~ state prisons gave
raise to a liberty interest in a prisoner's continuing to reside in general
population I.d. at 466, 103 S.Ct. at 868"

I have a protected liberty interest in not having false misconducts
written against me and being placed in the R H U/ Hole along with not being threaten
by staff for accessing the courts, the D.O.C. is suppose to provide me with a reasonable
Expectation of Safety, I have charged Lt Freethy not just a go but a member of
the administrative staff threatening me this give rise to not just a staff member
but to the ones who told Lt Freethy to investigate this Grievance!

Violating my due Process. Translation: "this John Doe. can order someone
to increase the punishment of a misconduct demonstrates a State of mind
of deliberate Indifference.

(3) Irreparable harm to defendant.

There is no irreparable harm to the defendant if anything
My transference will be welcome

I am a level 3 custody inmate in a level two prison a level
three not because I pose a danger to myself or others but for not doing
sex offenders programs, I sing in the choir and attend church Regularly.

I teach Bible study on Monday Evening "Walking in faith"
I really believe that the Staff would Breathe a lot better if I were
transferred (they would not have to worry if I am going to sue
them and they would not be angry because I am suing their
CO-workers and want to hurt me in some way to help their
Family or Friend.

④ the Public interest
the Public interest will not be injured, I will still
be in prison serving my time!
if anything the public interest would be Better served
with my transference, the treatment that I am Receiving here
at S.C.I. waymart would shock the conscious of our Society
just as the actions of the M.P. in the prison of iragu,
has embarrassed the whole Nation!

⑤ at not time has Ms Mosley denied that Lt. Freethy
Threaten me!

Lt. Freethy has investigated my Grievances over the
past years if Ms Mosley would Familiarize herself with
Lt Freethy by asking him if he knew about the law suits
she would not just assert an issue's that demonstrate
Her prepared-ness, and if she look at my Grievances they
all state that I will be suing the staff member. a Review
of Grievance # Wam-149-01 initial Response Dated 725-01 inclosed
in Lt Freethy investigation of a Grievance on C/o Kawawski
Paragraph 6 from top Lt. Freethy states I told him I was
filing Lawsuits against the Block officers.
C/o Kawawski is a defendant in this case, Capt Griffin,
Ms Surace, who asked me before Ms Dippel wrote the misconduct
what was I doing "up to your old tricks" she stated
Capt. Griffin was the shift Commander and his duty was to
determine if Ms Dippel write up was legal or did it Violate
my due process ~~and~~ Rights! He Violated my Rights
the misconduct was written three day after the alleged
infraction (which was a lie) and No Reason for the Delay
as D.O.C. Policy Require's